f. The landfill is not located in a freshwater wetland, tidal wetland or £ plain as identified by the department.
g. Except as provided herein, the landfill accepts only material which : product of resource recovery, incineration or composting. Downtime wast' wastes that are untreatable by a resource recovery system may be dispos when handled as provided in this paragraph. Downtime waste and untrea waste that is landfilled may only be deposited in a special disposal area t located and constructed so as to segregate these wastes and minimize the feet on residents of the surrounding area. Not more than ten percent c annual rated capacity of a resource recovery facility may be disposed downtime waste per year. However, up to ten percent of the annual rab pacity of more than one resource recovery facility may be so disposed c single landfill.
Any such landfill may also accept wastes other than those authorized^ subdivision whenever such disposal is approved by the commissioner^ upon a finding made after the opportunity for a public hearing that (i)_ source recovery facility is available to accept such waste; (ii) the owner landfill is making all reasonable efforts to implement a resource recove tern acceptable to the commissioner; and (iii) that the landfilling of such will not have significant adverse environmental impacts. In granting ar approval, the commissioner shall impose conditions necessary to mitigs ; adverse environmental impacts to the maximum extent practicable an impose a schedule under which the municipality shall implement an acc< » resource recovery system.
5. Within seven years of the effective date of this section, no perse operate a landfill existing on the effective date of this section in the cou Nassau and Suffolk unless:
a. The owner or operator of the landfill has posted a financial gu such as, but not limited to, pollution liability insurance, sureties, perfo bonds and/or trust funds acceptable to the commissioner securing thi corrective treatment, or the development of alternative water sources such landfill become a source of groundwater, surface water or air pc The size of the financial guarantee, the financial stability of the surety, terms of posting shall be determined by the commissioner. Financu shall also be arranged to ensure the proper operation and maintei leachate and other collection and treatment systems for a period of determined by the commissioner, after a landfill is closed; and
b. The landfill is underlain by two or more natural and/or synthe each with provisions for leachate collection, and has a treatment and system, all of which are approved by the commissioner. Any natural c shall have a minimum compacted thickness of two feet and all liners s a maximum hydraulic conductivity not to exceed one times ten to t seven centimeters per second. If the landfill uses two synthetic liner partment shall require that the liners are of different chemical con and
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